

COMMITTEE ON ORDINANCES, CHARTER AND RULES
MONDAY, SEPTEMBER 13, 2021, AT 6:06 P.M.
CITY COUNCIL CHAMBERS
WOBURN CITY HALL

Voting members present: Chairman Michael Concannon, Alderman Darlene Mercer-Bruen, and Alderman Michael Lannan. Absent: Alderman Joseph Demers and Alderman Jeffrey Dillon.

Non-voting members present: Alderman Robert Ferullo, Alderman Richard Gately, and Alderman Joanne Campbell, and President Edward Tedesco (late)

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Reading of previous meeting minutes: Motion made by Alderman Mercer-Bruen and seconded by Alderman Lannan to approve the minutes of the meeting of September 1, 2021; in favor, 3-0.

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Petition by 304 Cambridge Road LLC, 304 Cambridge Road, Woburn, Massachusetts, to amend Section 5 Notes to Table of Use Regulations and Section 5.1 Table of Use Regulations, Note 26 of the 1985 City of Woburn Zoning Ordinance, as amended:

Representing the petitioner were Attorney Joseph R. Tarby III, Rubin Rudman LLP, 600 Unicorn Park, Woburn, MA; and John Paul Martignetti, 304 Cambridge Road LLC, 304 Cambridge Road, Woburn, MA. Attorney Tarby said he and his client have reviewed the City Solicitor's memo. Motion made by Alderman Mercer-Bruen and seconded by Alderman Lannan to accept and make part of the permanent record a memorandum from City Solicitor Ellen Callahan Doucette dated Sept. 13, 2021 and entitled "Review of Ordinance Amendments – Rooftop and Outdoor Dining;" approved, 3-0. Attorney Tarby said he and his client have read the City Solicitor's comments and are generally in agreement. He said he will suggest some minor tweaks. He said restaurant at 304 Cambridge Road has two outside areas, one of which is a private dining area with a patio. He said another new restaurant called King of Cool in East Woburn has a main patio on the left side and then a second patio elsewhere. He said Woburn Country Club also has multiple outdoor dining areas. He said the City Solicitor is recommending there be a definition of outdoor dining that includes the sale of alcoholic beverages. Chairman Concannon said the City Solicitor did not offer such a definition. Motion made by Alderman Mercer-Bruen and seconded by Alderman Lannan to allow any members of the council not on the committee to address the committee; approved, 3-0. Alderman Campbell asked if the restaurant at 304 Cambridge Road already has two different patio areas and if it is looking to expand. Attorney Tarby said the original plan for the restaurant has not changed. He said the private patio area is very small. Mr. Martignetti said the front patio is bisected by the entrance to the restaurant. He said he wants to make sure that is totally clear. Motion made by Alderman Mercer-Bruen and seconded by Alderman Lannan to return to the regular order of business; approved, 3-0. Alderman Mercer-Bruen said she would like to get a better understanding from the City Solicitor. Attorney Tarby said the issue is the City Solicitor used the term "location" in a singular form. Chairman Concannon said in one sentence there is a suggestion there could be

more than one location. Mr. Martignetti said all the outdoor dining locations are adjacent. Chairman Concannon said someone may view them as two separate locations. He said the committee can inquire with City Solicitor Callahan Doucette, but his guess is she chose the singular form of location without too much thought. He asked if the committee wants to send a communication to the City Solicitor asking her to suggest a definition of outdoor dining. Alderman Mercer-Bruen said she would like to do that and send the same communication to Planning Director Tina Cassidy. Motion made by Alderman Mercer-Bruen and seconded by Alderman Lannan to send communications to City Solicitor Callahan Doucette and Director Cassidy to provide the committee with a definition of outdoor dining; approved, 3-0. Alderman Mercer-Bruen said she is hoping to put something together. Alderman Gately said the committee has correspondence from City Solicitor Callahan Doucette about rooftop and outdoor dining. Chairman Concannon asked if there is a definition. Alderman Gately read a portion of the City Solicitor's memo that suggests Section 5.1 of the Table of Use Regulations "should be amended to identify rooftop dining as an accessory use, not as a Note." President Tedesco arrived at 6:16 p.m. Alderman Campbell asked Alderman Gately if he is suggesting rooftop dining is outdoor dining. Alderman Gately answered affirmatively. Chairman Concannon said his interpretation of the City Solicitor's memo indicates rooftop dining and outdoor dining are two different things. President Tedesco said he has no issue with the City Solicitor's memo, but he said he also thinks it is appropriate to send her a communication asking for a definition of outdoor dining. Chairman Concannon asked what the will of the committee is. Motion made by Alderman Mercer-Bruen and seconded by Alderman Lannan that the petition "ought to pass," pending further information from City Solicitor Ellen Callahan Doucette and Planning Director Tina Cassidy; approved, 3-0.

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Order to amend the 1985 Woburn Zoning Ordinances, as amended, be further amended by amending the definition of "RESTAURANT, FULL- SERVICE" in Section 2 by inserting after "space" on the first line the following language: "(including outdoor seating and rooftop dining)"; President Tedesco said he has no issue with City Solicitor Ellen Callahan Doucette's recommendations. Chairman Concannon said the committee accepted the City Solicitor's memo for the previous petition and asked for the committee to accept it for this agenda item as well. Motion made by Alderman Mercer-Bruen and seconded by Alderman Lannan to accept and make part of the permanent record a memorandum from City Solicitor Ellen Callahan Doucette dated Sept. 13, 2021 and entitled "Review of Ordinance Amendments – Rooftop and Outdoor Dining;" approved, 3-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Lannan that the order "ought to pass," as amended; approved, 3-0.

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Order to amend Section 11.6.12 entitled "Rooftop Dining in the B-D District" and Section 5.1 entitled "Table of Use Regulations", Note 27 of the 1985 Zoning Ordinance of the city of Woburn: President Tedesco said he believes the matter is in front of the Planning Board on

Tuesday night. He said the committee can send the matter back for action pending receipt of a recommendation from the Planning Board. Motion made by Alderman Mercer-Bruen and seconded by Alderman Lannan that the order be sent "back for action," pending receipt of comments from the Planning Board; approved, 3-0.

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MOTION made by Alderman Mercer-Bruen and seconded by Alderman Lannan to adjourn; in favor, 3-0. Chairman Concannon adjourned the meeting at 6:20 p.m.